

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

AMERICAN CIVIL LIBERTIES UNION, MARK  
AMERIKA of ALT-X, ART ON THE NET,  
FEMINIST.COM, FULL CIRCLE BOOKS,  
OBGYN.NET, SANTA FE ONLINE, SEXUAL  
HEALTH INSTITUTE, STOP PRISONER RAPE,  
JEFF WALSH of OASIS MAGAZINE,  
AMERICAN BOOKSELLERS FOUNDATION  
FOR FREE EXPRESSION, ASSOCIATION OF  
AMERICAN PUBLISHERS, INC., ELECTRONIC  
FRONTIER FOUNDATION, FREEDOM TO  
READ FOUNDATION, INC., INTERNATIONAL  
PERIODICAL DISTRIBUTORS ASSOCIATION,  
NEW MEXICO LIBRARY ASSOCIATION, PEN  
AMERICAN CENTER, PERIODICAL AND  
BOOK ASSOCIATION OF AMERICA,  
PUBLISHERS MARKETING ASSOCIATION,  
and RECORDING INDUSTRY ASSOCIATION  
OF AMERICA,

Plaintiffs,

vs.

No. CIV 98-474 LH/DJS

GARY JOHNSON, in his official capacity as  
Governor of the State of New Mexico, and TOM  
UDALL, in his official capacity as Attorney General  
of the State of New Mexico,

Defendants.

**ORDER GRANTING PRELIMINARY INJUNCTION**

**THIS MATTER** comes before the Court on Plaintiffs' Motion for a Preliminary Injunction (Docket No. 10), filed May 28, 1998. The Court, having considered live testimony from five witnesses, including one expert, testimonial affidavits and declarations, exhibits, the Joint Stipulation

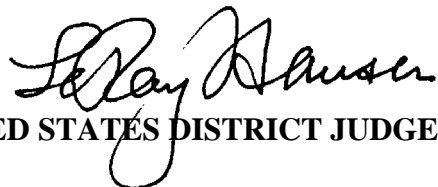
on [sic] Facts, and the arguments of counsel at the hearing held in this matter on June 22 and 23, 1998, finds for the reasons set forth in its Findings of Fact and Conclusions of Law entered contemporaneously with this Order, that the motion is well taken and should be **granted**.

**IT IS, THEREFORE, ORDERED** that Plaintiffs' Motion for a Preliminary Injunction (Docket No. 10), filed May 28, 1998, is **granted**.

**IT IS FURTHER ORDERED** that Defendant Governor Gary Johnson and Defendant Attorney General Tom Udall, and, pursuant to Federal Rule of Civil Procedure 65(d), Defendants' officers, agents, servants, employees, and attorneys, including all of the district attorneys of the State of New Mexico, and those persons in active concert or participation with Defendants who receive actual notice of this order, are **PRELIMINARILY ENJOINED** from enforcing, prosecuting, investigating or reviewing any matter based on or premised upon Section 1(A) of 1998 New Mexico Laws, Chapter 64, to be codified at N.M. STAT. ANN. § 30-37-3.2(A).

**IT IS FURTHER ORDERED** that within ten days of the entry of this Order, Defendants shall send by registered mail a copy of this Order and the Findings of Fact and Conclusions of Law contemporaneously entered with this Order to each of the district attorneys of the State of New Mexico, and shall thereafter certify to the Court compliance with this directive.

**IT IS FURTHER ORDERED** that Plaintiffs' unopposed oral motion at the hearing held in this matter on June 23, 1998, to waive Federal Rule of Civil Procedure 65(c)'s requirement for a security is **granted** and that requirement is waived.

  
UNITED STATES DISTRICT JUDGE